

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Micah R. Dunn**  
**Shannon A. Dunn**  
Debtor(s)

Bankruptcy Case No.: 13-25344-CMB  
Issued Per Jan. 5, 2017 Proceeding  
Chapter: 13  
Docket No.: 134 – 73, 128, 129  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 22, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,274 as of January 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Penn Hills Municipality and School District Earned Income Tax at Claim No. 1 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds the no-look fee and previous application, including any fees paid to prior counsel.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: January 12, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Micah R. Dunn  
Shannon A. Dunn  
DebtorsCase No. 13-25344-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel  
Form ID: 149Page 1 of 2  
Total Noticed: 24

Date Rcvd: Jan 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 14, 2017.

db/jdb +Micah R. Dunn, Shannon A. Dunn, 231 Pheasant Drive, Pittsburgh, PA 15235-3159  
 cr Duquesne Light Company, c/o Peter J. Ashcroft, 2200 Gulf Tower, Pittsburgh, PA 15219  
 cr +PERITUS PORTFOLIO SERVICES, PO BOX 141419, IRVING TX 75014-1419  
 (address filed with court: Peritus Portfolio Service, POBox 141419, Irving, TX 75014)  
 13772126 +AES, 1200 N. 7th St., Harrisburg, PA 17102-1419  
 13772127 +Bank of America, 501 Bleecker Street, Utica, NY 13501-2401  
 13976829 ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408  
 13772129 +Great Lakes Higher Education, 2401 International Ln, Madison, WI 53704-3192  
 13790499 +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,  
 Norristown, PA 19404-3020  
 13795325 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147  
 13851802 +PNC MORTGAGE NA, 3232 NEWMARK DR, MIAMISBURG OH 45342-5433  
 13772131 +PNC Mortgage, 6 N Main Street, Dayton, OH 45402-1908  
 13772130 +Penn Hills Township, 12000 Frankstown Rd., 2nd Floor, Pittsburgh, PA 15235-3400  
 13873725 +Peoples Natural Gas Co. LLC, Attn: Andrew Weisner, 375 North Shore Dr., Suite 600,  
 Pittsburgh, PA 15212-5866  
 14077148 Peritus Portfolio as Assignee for NCEP llc, POBox 141419, Irving TX 75014-1419  
 13772132 #+Portnoff Law Associates, LTD, 1000 Sandy Hill Road, Suite 150, Norristown, PA 19401-4181  
 13772133 +Santander Consumer, PO Box 961245, Fort Worth, TX 76161-0244  
 13784955 +Santander Consumer USA, PO Box 560284, Dallas, TX 75356-0284  
 13772134 +State Collection Service, PO Box 6250, Madison, WI 53716-0250  
 13772135 +Thomas Puleo, Esquire, KML Law Group, P.C., Mellon Independence Center - Suite 5000,  
 701 Market Street, Philadelphia, PA 19106-1538  
 13772137 +US Department of Education, PO Box 530260, Atlanta, GA 30353-0260  
 13793445 US Dept of Education, Claims Filing Unit, PO Box 8973, Madison, WI 53708-8973

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13772128 +E-mail/Text: hariasdiaz@creditmanagementcompany.com Jan 13 2017 01:54:01  
 Credit Management Company, 2121 Noblestown Road, PO Box 16346, Pittsburgh, PA 15242-0346  
 13850282 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Jan 13 2017 01:54:17 Duquesne Light Company,  
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200 Gulf Tower,  
 Pittsburgh, PA 15219-1908  
 13772136 +E-mail/Text: BankruptcyNotice@upmc.edu Jan 13 2017 01:54:09 UPMC Physician Services,  
 1650 Metropolitan Street, Third Floor - Customer Service, Pittsburgh, PA 15233-2213  
 TOTAL: 3

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr PNC Bank, National Association  
 cr\* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408  
 cr\* +Municipality of Penn Hills, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,  
 Norristown, PA 19404-3020  
 cr\* +Penn Hills School District, c/o Maiello, Brungo & Maiello, LLP, 3301 McCrady Road,  
 Pittsburgh, PA 15235-5137  
 13782115 ##+Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 3301 McCrady Road,  
 Pittsburgh, PA 15235-5137

TOTALS: 1, \* 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 24

Date Rcvd: Jan 12, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 14, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 12, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC Bank, National Association  
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com  
Brian C. Thompson on behalf of Joint Debtor Shannon A. Dunn bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;LaurenKelly@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgille  
spie@thompsonattorney.com;azema@ecf.inforuptcy.com;noreply@thompsonattorney.com;mhodge@thompsonat  
torney.com  
Brian C. Thompson on behalf of Debtor Micah R. Dunn bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;LaurenKelly@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgille  
spie@thompsonattorney.com;azema@ecf.inforuptcy.com;noreply@thompsonattorney.com;mhodge@thompsonat  
torney.com  
James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com  
James R. Wood on behalf of Creditor Municipality of Penn Hills jwood@portnoffonline.com,  
jwood@ecf.inforuptcy.com  
Jennifer L. Cerce on behalf of Creditor Penn Hills School District jlc@mbm-law.net  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court  
rive.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9